

118TH CONGRESS
2D SESSION

H. R. 7719

To provide for the removal of abandoned vessels, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2024

Mr. GARAMENDI introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Armed Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the removal of abandoned vessels, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Abandoned and Dere-
5 lict Vessel Removal Act of 2024”.

6 **SEC. 2. ABANDONED AND DERELICT VESSELS.**

7 (a) IN GENERAL.—Chapter 47 of title 46, United
8 States Code, is amended—

1 (1) in the chapter heading by striking
2 “**BARGES**” and inserting “**VESSELS**”;

3 (2) by inserting before section 4701 the fol-
4 lowing:

5 “SUBCHAPTER I—BARGES”;

6 and

7 (3) by adding at the end the following:

8 “SUBCHAPTER II—NON-BARGE VESSELS

9 **“§ 4710. Definitions**

10 “In this subchapter:

11 “(1) ABANDON.—The term ‘abandon’ means to
12 moor, strand, wreck, sink, or leave a covered vessel
13 unattended for longer than 45 days.

14 “(2) COVERED VESSEL.—The term ‘covered
15 vessel’ means a vessel that is not a barge to which
16 subchapter I applies.

17 “(3) INDIAN TRIBE.—The term ‘Indian Tribe’
18 has the meaning given such term in section 4 of the
19 Indian Self-Determination and Education Assistance
20 Act (25 U.S.C. 5304).

21 **“§ 4711. Abandonment of vessels prohibited**

22 “(a) IN GENERAL.—An owner or operator of a cov-
23 ered vessel may not abandon such vessel on the navigable
24 waters of the United States.

25 “(b) DETERMINATION OF ABANDONMENT.—

1 “(1) NOTIFICATION.—

2 “(A) IN GENERAL.—With respect to a cov-
3 ered vessel that appears to be abandoned, the
4 Commandant of the Coast Guard shall—

5 “(i) attempt to identify the owner
6 using the vessel registration number, hull
7 identification number, or any other infor-
8 mation that can be reasonably inferred or
9 gathered; and

10 “(ii) notify such owner—

11 “(I) of the penalty described in
12 subsection (c); and

13 “(II) that the vessel will be re-
14 moved at the expense of the owner if
15 the Commandant determines that the
16 vessel is abandoned and the owner
17 does not remove or account for the
18 vessel.

19 “(B) FORM.—The Commandant shall pro-
20 vide the notice required under subparagraph
21 (A)—

22 “(i) if the owner can be identified, via
23 certified mail or other appropriate forms
24 determined by the Commandant; or

1 “(ii) if the owner cannot be identified,
2 via an announcement in a local publication
3 and on a website maintained by the Coast
4 Guard.

5 “(2) DETERMINATION.—The Commandant
6 shall make a determination not earlier than 45 days
7 after the date on which the Commandant provides
8 the notification required under paragraph (1) of
9 whether a covered vessel described in such para-
10 graph is abandoned.

11 “(c) PENALTY.—

12 “(1) IN GENERAL.—The Commandant may as-
13 sess a civil penalty of not more than \$500 against
14 an owner or operator of a covered vessel determined
15 to be abandoned under subsection (b) for a violation
16 of subsection (a).

17 “(2) LIABILITY IN REM.—The owner or oper-
18 ator of a covered vessel shall also be liable in rem
19 for a penalty imposed under paragraph (1).

20 “(d) VESSELS NOT ABANDONED.—The Commandant
21 may not determine that a covered vessel is abandoned
22 under this section if—

23 “(1) such vessel is located at a federally ap-
24 proved or State approved mooring area or anchor-
25 age;

1 “(2) such vessel is located on private property
2 with the permission of the owner of such property;

3 “(3) the owner or operator of such vessel pro-
4 vides a notification to the Commandant that—

5 “(A) indicates the location of the vessel;

6 “(B) indicates that the vessel is not aban-
7 doned; and

8 “(C) contains documentation proving that
9 the vessel is allowed to be in such location; or

10 “(4) the Commandant determines that such an
11 abandonment determination would not be in the
12 public interest.

13 **“§ 4712. Inventory of abandoned vessels**

14 “(a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this section, the Commandant, in
16 consultation with the Administrator of the National Oce-
17 anic and Atmospheric Administration and relevant State
18 agencies, shall establish and maintain a national inventory
19 of covered vessels that are abandoned.

20 “(b) CONTENTS.—The inventory established and
21 maintained under subsection (a) shall include data on each
22 vessel, including geographic information system data re-
23 lated to the location of each such vessel.

1 “(c) PUBLICATION.—The Commandant shall make
2 the inventory established under subsection (a) publicly
3 available on a website of the Coast Guard.

4 “(d) REPORTING OF POTENTIALLY ABANDONED
5 VESSELS.—In carrying out this section, the Commandant
6 shall develop a process by which—

7 “(1) a State, Indian Tribe, or person may re-
8 port a covered vessel that may be abandoned to the
9 Commandant for potential inclusion in the inventory
10 established under subsection (a); and

11 “(2) the Commandant shall review any such re-
12 port and add such vessel to the inventory if the
13 Commandant determines that the reported vessel is
14 abandoned pursuant to section 4711.”.

15 “(b) RULEMAKING.—The Secretary of the department
16 in which the Coast Guard is operating, in consultation
17 with the Secretary of the Army, acting through the Chief
18 of Engineers, and the Secretary of Commerce, acting
19 through the Under Secretary for Oceans and Atmosphere,
20 shall issue regulations with respect to the procedures for
21 determining that a vessel is abandoned for the purposes
22 of subchapter II of chapter 47 of title 46, United States
23 Code (as added by this section).

24 “(e) CONFORMING AMENDMENTS.—Chapter 47 of title
25 46, United States Code, is amended—

1 (1) in section 4701—

2 (A) in the matter preceding paragraph (1)
3 by striking “chapter” and inserting “sub-
4 chapter”; and

5 (B) in paragraph (2) by striking “chapter”
6 and inserting “subchapter”;

7 (2) in section 4703 by striking “chapter” and
8 inserting “subchapter”;

9 (3) in section 4704 by striking “chapter” each
10 place it appears and inserting “subchapter”; and

11 (4) in section 4705 by striking “chapter” and
12 inserting “subchapter”.

13 (d) CLERICAL AMENDMENTS.—The analysis for
14 chapter 47 of title 46, United States Code, is amended—

15 (1) by inserting before the item relating to sec-
16 tion 4701 the following:

“SUBCHAPTER I—BARGES”;

17 and

18 (2) by adding at the end the following:

“SUBCHAPTER II—VESSELS

“4710. Definitions.

“4711. Abandonment of vessels prohibited.

“4712. Inventory of abandoned vessels.”.

19 **SEC. 3. OIL AND HAZARDOUS SUBSTANCE REMOVAL.**

20 The removal and disposal of an abandoned vessel
21 under the direction of an on-scene coordinator appointed
22 under the National Contingency Plan developed under sec-

1 tion 311 of the Federal Water Pollution Control Act (33
2 U.S.C. 1321) shall be deemed to be a removal action
3 under such section for purposes of section 9509 of the In-
4 ternal Revenue Code of 1986.

5 **SEC. 4. USES OF OIL SPILL LIABILITY TRUST FUND.**

6 (a) IN GENERAL.—Section 1012(a) of the Oil Pollu-
7 tion Act of 1990 (33 U.S.C. 2712(a)) is amended—

8 (1) in paragraph (4), by striking “and” at the
9 end;

10 (2) in paragraph (5)(D), by striking the period
11 and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(6) the payment of costs associated with the
14 collection and disposal of an abandoned vessel, in-
15 cluding a derelict vessel, by the President if—

16 “(A) such collection and disposal is deter-
17 mined to be in the public interest by the Fed-
18 eral Government, a State, or an Indian tribe;
19 and

20 “(B) a determination that the vessel is
21 abandoned is made by the Commandant of the
22 Coast Guard in accordance with section 4711 of
23 title 46, United States Code.”.

24 (b) COSTS OF COLLECTION AND DISPOSAL OF ABAN-
25 DONED OR DERELICT VESSELS.—

1 **“§ 57112. Requirements for purchasing federally auc-**
2 **tioned vessels**

3 “(a) IN GENERAL.—To be eligible to purchase a cov-
4 ered vessel from the Federal Government, a person shall
5 provide proof of—

6 “(1) liability insurance for the operator of such
7 covered vessel;

8 “(2) proof of financial resources sufficient to
9 cover maintenance costs of such covered vessel; and

10 “(3) with respect to a covered vessel requiring
11 documentation under chapter 121, an admiralty
12 bond or stipulation.

13 “(b) DEFINITION.—In this section, the term ‘covered
14 vessel’ means—

15 “(1) a government-owned vessel disposed of in
16 accordance with this part and section 548 of title
17 40;

18 “(2) a vessel seized or forfeited pursuant to any
19 law, and auctioned by the Federal Government, in-
20 cluding a vessel seized or forfeited pursuant to sec-
21 tion 7301 or 7302 of the Internal Revenue Code of
22 1986; and

23 “(3) a fishing vessel seized or forfeited pursu-
24 ant to section 310 of the Magnuson-Stevens Fishery
25 Conservation and Management Act (16 U.S.C.
26 1860).”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 571 of title 46, United States Code, is amended by
 3 adding at the end the following:

“57112. Requirements for purchasing federally auctioned vessels.”.

4 **SEC. 6. REMOVAL OF OBSTRUCTIVE OR ABANDONED VES-**
 5 **SELS.**

6 (a) IN GENERAL.—Section 19 of the River and Har-
 7 bor Act of March 3, 1899 (33 U.S.C. 414), is amended—

8 (1) by striking by striking “SEC. 19. (a) That
 9 whenever” and inserting the following:

10 **“SEC. 19. VESSEL REMOVAL BY SECRETARY OF THE ARMY.**

11 **“(a) REMOVAL OF OBSTRUCTIVE VESSELS.—**

12 **“(1) IN GENERAL.—That whenever”;**

13 **(2) in subsection (b)—**

14 **(A) by striking “described in this section”**
 15 **and inserting “described in this subsection”;**
 16 **and**

17 **(B) by striking “under subsection (a)” and**
 18 **inserting “under paragraph (1)”;**

19 **(3) by striking “(b) The owner” and inserting**
 20 **the following:**

21 **“(2) LIABILITY OF OWNER, LESSEE, OR OPER-**
 22 **ATOR.—The owner”;** and

23 **(4) by adding at the end the following:**

24 **“(b) REMOVAL OF ABANDONED VESSEL.—**

1 “(1) IN GENERAL.—The Secretary of the Army
2 is authorized to remove from the waters of the
3 United States any abandoned vessel or any vessel
4 under the control of the United States by reason of
5 seizure or forfeiture pursuant to any law, that does
6 not obstruct the navigation of such waters, if—

7 “(A) such removal is determined to be in
8 the public interest by the Federal Government,
9 a State, or an Indian tribe; and

10 “(B) in the case of a vessel that is not
11 under the control of the United States by rea-
12 son of seizure or forfeiture, the Commandant of
13 the Coast Guard makes a determination that
14 the vessel is abandoned in accordance with sec-
15 tion 4711 of title 46, United States Code.

16 “(2) INTERAGENCY AGREEMENTS.—In remov-
17 ing a vessel under this section that is under the con-
18 trol of the United States by reason of seizure or for-
19 feiture, the Secretary shall enter into an interagency
20 agreement with the head of the Federal department,
21 agency, or instrumentality that has control of such
22 vessel.

23 “(3) LIABILITY.—The owner of any vessel de-
24 scribed in paragraph (1) that is not under the con-
25 trol of the United States by reason of seizure or for-

1 feiture shall be liable to the United States for the
2 costs of removal and disposal of such vessel.”.

3 (b) CONFORMING AMENDMENT.—Section 1115 of the
4 Water Resources Development Act of 1986 (100 Stat.
5 4235; 102 Stat. 4026) is repealed.

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